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8  
9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 NEUMONT UNIVERSITY, LLC, a Delaware  
limited liability corporation,

Case No.

12  
13 Plaintiff,

**COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF**

14 vs.

15 LITTLE BIZZY, LLC, a Nevada limited  
liability company; JESSE NICKLES, an  
individual,

16 Defendants.  
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18  
19 Plaintiff Neumont University, LLC (“Neumont” or “University”) alleges as follows:

20 **NATURE OF THE ACTION**

21 This is an action by Neumont against Defendants Little Bizzy, LLC (“Little Bizzy”) and  
22 Jesse Nickles (“Nickles”) for business disparagement, intentional interference with contractual  
23 relations, and intentional interference with prospective economic advantage. Plaintiff seeks  
24 damages, attorneys’ fees, costs, and preliminary and permanent injunctive relief.

25 **JURISDICTION AND VENUE**

26 1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332, because  
27 there is complete diversity of citizenship between Neumont and Defendants, and the amount in  
28

1 controversy exceeds, exclusive of interest and costs, the sum of Seventy-Five Thousand Dollars  
2 (\$75,000.00).

3 2. This Court has personal jurisdiction over Defendant Little Bizzy because it is a  
4 limited liability company formed under the laws of the State of Nevada and operates within the  
5 State of Nevada.

6 3. This Court has personal jurisdiction over Defendant Nickles because he either  
7 resides in the State of Nevada and/or engaged in tortious conduct in this district.

8 4. Venue is proper in this district under 28 U.S.C. § 1391(a)(1), (a)(2) and (c). Here,  
9 venue is proper under 28 U.S.C. § 1391(a)(1) and (c) because this is a judicial district where  
10 Defendant Little Bizzy resides and, on information and belief, all Defendants reside within the  
11 State of Nevada. Furthermore, venue is also proper under 28 U.S.C. § 1391(a)(2) because a  
12 substantial part of the events or omissions giving rise to the claims outlined below occurred within  
13 this judicial district.

14 **PARTIES**

15 5. Plaintiff Neumont is a Delaware limited liability company and maintains its  
16 principal place of business in South Jordan, Utah.

17 6. Upon information and belief, Defendant Little Bizzy is a Nevada limited liability  
18 company with its principal place of business in Las Vegas, Nevada.

19 7. Upon information and belief, Defendant Nickles is an individual who conducts  
20 business in the State of Nevada and resides in either the State of Nevada or the State of California.  
21 Defendant Nickles is an officer or director of Defendant Little Bizzy and personally directed,  
22 controlled, ratified, participated in, and/or authorized the tortious activities described herein.

23 8. Upon information and belief, Defendants Little Bizzy and Nickles are each the  
24 alter ego of the other, and are each the officer, agent, servant, representative, and/or employee of  
25 the other, acting in participation with the other, having authority or apparent authority to bind the  
26 other.

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1           16.       Upon information and belief, Defendants own and operate the website located at  
2 <collegetimes.us> (“Collegetimes”). A true and accurate copy of the homepage of Collegetimes’  
3 website is attached hereto as Exhibit 2.

4           17.       In addition to attempting to maximize revenue through a barrage of online  
5 advertisement links, Collegetimes purports to provide a “RateMyCollege” forum for students to  
6 comment on their experiences at various colleges and universities around the world. Defendants  
7 represent that their RateMyCollege pages host “raw, unedited” reviews from people who have  
8 actually attended the institution and can “Warn Students Around the World!” about the school. A  
9 true and accurate copy of “RateMyCollege” page within the Collegetimes website is attached  
10 hereto as Exhibit 3.

11           18.       Upon information and belief, Defendants created a page within the Collegetimes  
12 website whereupon content regarding Neumont could be posted. Defendants assure visitors to the  
13 page that they can “trust that the comments are honest, authentic experiences shared by fellow  
14 students,” and that only “false positives” associated with SPAM are removed. A true and accurate  
15 copy of the Neumont page within the Collegetimes website is attached hereto as Exhibit 4.

16           **Defendants’ Concerted Effort to Cause Harm to Neumont**

17           19.       In or around April 2009, upon information and belief, an allegedly disgruntled  
18 parent of a dismissed student posted negative content on Collegetimes containing false and  
19 inaccurate statements about Neumont.

20           20.       After becoming aware of the content, Neumont posted an official response to the  
21 Collegetimes’ Neumont page clearly identifying that it was a response from the University’s  
22 Administration, not a false “positive” student.

23           21.       Upon information and belief, Defendants subsequently deleted Neumont’s posting  
24 and added a warning on the “Utah” page underneath Neumont’s name and the link to its page:  
25 “Warning: We recommend that you avoid this college.” The word “Warning” was, and still is,  
26 listed in bolded red letters. A true and accurate copy of a current incarnation of the “Utah” page in  
27 question is attached hereto as Exhibit 5.

28           ///



1           25.     Though couched as a pseudo-public-service announcement to “help” students,  
2 Defendants’ “Warning” conflates what may be nothing more than a simple inquiry from an  
3 educational institution with more nefarious behavior that borders on possible criminal activity.

4           26.     The predicate acts listed in the “Warning” did not occur. Yet, Defendants  
5 “strongly urge” and “warn” visitors to stay away from Neumont for all of the aforementioned  
6 reasons.

7           27.     Taken together, it appears that Defendants designed the Collegetimes website in  
8 such a manner as to lure students, potential students and their parents into believing that the edited  
9 content within the RateMyCollege pages is trustworthy and that the website is designed to protect  
10 them from “bad” institutions.

11           28.     Neumont students and alumni became aware of the Collegetimes website and  
12 began posting their own experiences and positive content on Neumont’s RateMyCollege page  
13 therein. Some of this “positive” content stayed on the Neumont page for a while.

14           29.     However, upon information and belief, some time after August 2010, Defendants  
15 removed all positive content from the Neumont RateMyCollege page, leaving only negative  
16 content, much of which contained false, inaccurate, defamatory and disparaging comments about  
17 the University and its services, and left the “Warning” label and explanation page in tact.

18           30.     Upon information and belief, some of the edited negative content on the  
19 Collegetimes’ Neumont page contains references that do not appear to belong to real and  
20 identifiable people.

21           31.     Upon information and belief, Defendants shortly thereafter exercised further  
22 control over the forum and deactivated any ability of anyone to post new content on Neumont’s  
23 RateMyCollege page and blocked all Neumont-related IP addresses from accessing the  
24 Collegetimes website.

25           32.     On information and belief, approximately twenty (20) Neumont students  
26 attempted to post their own positive and/or responsive content on Collegetimes regarding their  
27 experiences at Neumont, but have been deliberately blocked from doing so by Defendants.

28     ///

1           33.       The manner in which Defendants have constructed the Collegetimes website and  
2 the RateMyCollege Neumont page therein conveys the message that the only reviews to have ever  
3 been posted about Neumont on Collegetimes are negative, that Neumont has a bad reputation, and  
4 that the University is a place that should be avoided at all cost, all of which is simply untrue.

5           34.       On or around July 10, 2012, Neumont made a final attempt reach out to  
6 Defendants to address the issue of unfair control over the forum and the damage that was being  
7 caused to Neumont by Defendants' defamatory content. However, in response, Defendants  
8 merely provided Neumont with a list of similar "web properties" that had recently been acquired  
9 and the purchase price at which they had been acquired.

10           35.       On information and belief, Defendants are purposely boosting Collegetimes  
11 visibility vis-à-vis Neumont in order to increase traffic to Defendants' Neumont page and cause  
12 significant harm to Neumont so as to further pressure it into purchasing the website. For example,  
13 a Google search for the phrase "neumont university review" returns search results wherein a link  
14 to Collegetimes' Neumont RateMyCollege page is the second listing. A true and accurate copy of  
15 the Google search described above is attached hereto as Exhibit 7.

16           36.       Upon information and belief, Defendants are engaged in a course of action to  
17 pressure any university that happens to respond to the Collegetimes website by increasing negative  
18 attacks on the university, prohibiting positive content and/or responses to the negative attacks, and  
19 essentially holding the forum for ransom until payment is received.

20           37.       Defendants actually appear to taunt and invite such scrutiny. Under the Privacy  
21 Policy-Terms of Service-Copyright & DMCA-Contact Us section on the "About Us" page of  
22 Collegetimes is the following statement:

23                   In addition, don't bother to send us threatening emails if your university or  
24 institution is getting it's reputation beat out of it over at our college reviews  
25 section. You know, and we know, that you don't have the balls to actually file  
26 suit, as you **a)** don't have evidence of purposeful libel/slander and **b)** you don't  
27 want to risk the negative attention such a suit would bring in the media. Instead,  
28 please shut up, stop wasting your time and our time, and consider shutting down  
your scammy school instead of trying to bully bloggers on the internet.

A true and accurate copy of the "About Us" page located at <collegetimes.us/about> is attached  
hereto as Exhibit 8.

1 38. Neumont's reputation and its educational services reputation have been harmed as  
2 a result of Defendants' actions.

3 39. Numerous students have withdrawn from Neumont's program as result of  
4 Defendants' actions.

5 40. Upon information and belief, this harm is further compounded by the fact that a  
6 large quantity of Internet traffic is being funneled to Collegetimes whenever a search is performed  
7 relating to Neumont.

8 41. Upon information and belief, countless other potential students have read and  
9 continue to read the Collegetimes RateMyCollege page on Neumont and decide not to enter its  
10 program.

11 **COUNT I**  
12 (Business Disparagement)

13 42. Neumont incorporates each of the allegations in the foregoing paragraphs as  
14 though fully set forth herein.

15 43. Through the intentional and deliberate actions of Defendants, Collegetimes  
16 structured at RateMyCollege page that contains only negative, false, inaccurate, disparaging and  
17 defamatory statements about Neumont and the educational services provided by it.

18 44. The false and inaccurate messages on the site are unprivileged because Defendants  
19 have become the content provider, including, but not limited to, Defendants' intentional efforts to  
20 commandeer the forum of speech by deleting all positive content and restricting further posting to  
21 the site, leading consumers to believe that students who attend Neumont only have negative  
22 experiences at the University, interjecting and developing a "Warning" label, and passing the  
23 forum off as a trustworthy source of information to consumers, when it is not.

24 45. Defendants knew that the content they had created with the RateMyCollege page  
25 devoted to Neumont contained false and/or inaccurate information, but published the it with the  
26 intent to cause harm to Neumonts's pecuniary interests, or published it knowing its falsity or with  
27 reckless disregard for its truth.

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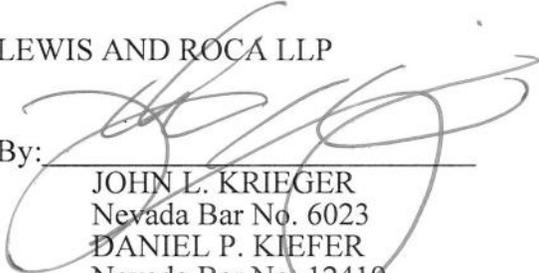


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E. Any other relief that the Court deems just and proper.

Dated this 7th day of August, 2012.

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